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13 Attorneys for Defendant
14 ARISTA NETWORKS, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF ARISTA'S
ADMINISTRATIVE MOTION TO
SEAL/REDACT PORTIONS OF
PRETRIAL CONFERENCE
TRANSCRIPT**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, EDUARDO E. SANTACANA, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and
4 counsel for Defendant Arista Networks, Inc. in the above-captioned action. I have personal
5 knowledge of the facts stated herein and, if called as a witness, I could testify competently
6 thereto.

7 2. Arista seeks to seal and redact certain portions of the pretrial conference transcript.

8 3. Good cause supports sealing those portions because they discuss confidential
9 portions of the ITC's Final Commission Opinion in Investigation No. 337-TA-944, *In the Matter*
10 *of Certain Network Devices, Related Software and Components Thereof (I)*.

11 4. Attached hereto as Exhibit A is a highlighted portion of the pretrial conference
12 transcript indicating the portions Arista seeks to redact.

13 5. The Commission has already determined which portions of its Opinion should be
14 made public after vigorous litigation between the parties. The result of the Commission's
15 decision-making process is the Public Version of the Opinion, a true and correct copy of which is
16 attached hereto as Exhibit B.

17 6. The Federal Circuit has also indicated that the sealing or not of portions of
18 Commission opinions is a matter of "great institutional concern" to the Commission. The Federal
19 Circuit thus remanded to the Commission a request by Cisco to unseal portions of the Opinion. A
20 true and correct copy of that order, dated November 10, 2016, is attached hereto as Exhibit C.

21 7. The portions of the pretrial conference transcript that Arista seeks to seal are those
22 portions that discuss material that the Commission has already determined should remain under
23 seal.

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1 8. Arista does not seek to seal any other portions of the pretrial conference transcript.

2 Executed on November 16, 2016, at San Francisco, California.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

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7 EDUARDO E. SANTACANA
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